1950. **File No.B. Civil Courts 50**

Legal Deptt.

B BRANCH

K

K.S.R.

Subject:— A Bill to amend the Bombay Civil Courts Act, 1869

L. A. Bill No. XL of 1950

Bom. Act XXXVI of 1950

P. H

File No. B. Civil Courts /50

Gen. 194

Legal Department.

The requisite draft Bill is sent herewith.

2. Clause 2. Sub-clause (2) provides for notifying the date of commencement of the Amending Act. This would enable Government to notify the date in advance for the information of the Courts and the public.

3. It appears desirable to save suits and proceedings pending before a Civil Judge on every occasion on which he is invested with the Jurisdiction of a Court of Small Causes under section 28 of the Bombay Civil Courts Act, 1869. For this purpose a new section 28B has been inserted in the Act. It is however pointed out that no such saving provision was made originally or when section 28 was amended by Bom. I of 1900 and again by Bom. 7 of 1930 whereby the pecuniary jurisdiction of the Civil Judge invested with the jurisdiction of a Court of Small causes was enhanced. The High Court also has not suggested any saving clause. Before therefore decision is taken to insert new section 28B as proposed above the High Court should be consulted.

4. The subject-matter of the Bill falls under entry 3 in List II in the Seventh Schedule to the Constitution of India. As the Bill does not relate to any matter enumerated in List III in the said Schedule, it will not be necessary to reserve the Bill for the consideration of the President.

5. H.D. is requested to append a suitable Statement of Objects and Reasons to the Bill.

G.C. Sd/ J.R.D. 5/6
Additional Secretary to Government.

U.R. to H.D., No. 7637 dated the 6th June, 1950.

C.G.R. 25-6

C 5 K.S.R. 25/6. 25/6

IMMEDIATE.

No. 176-L.
Legal Department,
Council Hall, Poona, 24th October '50.

From

Shri J. R. Dhurandhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Governor of Bombay.

Subject: The Bombay Civil Courts (Amendment) Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay Civil Courts (Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Council held on the 26th September 1950 and the 10th October 1950, respectively.

2. The subject-matter of the Bill falls under entries 3 & 65 in List II in the Seventh Schedule to the Constitution of India. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

9 to 11

4. I also forward herewith one copy of each of the items Nos. 1, 2 and 4 and two copies of ~~x~~ item No.3 of the papers noted in the margin. The Bill was not referred to a Select Committee.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2. Bill as read for the third time and passed by the Bombay Legislative Council.
3. Bill as read for the third time and passed by the Bombay Legislative Council.
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 26th September 1950 and of the Bombay Legislative Council dated the 10th October 1950.

Yours faithfully,

O.C. Sd/- J.R.D. 24/10
Additional Secretary to Government.

Through the Secretary to the Government of Bombay,
Home Department.

C.G.R. 25-6

C 5

No. G.S.-3271.

From

Shri L.M. Nadkarni., I.C.S.
Secretary to the Governor of Bombay.

To

The Additional Secretary to the Government
of Bombay, Legal Department.

Government House,

Bombay (6), Oct. 31, 1950.

Subject: The Bombay Civil Courts (Amendment) Bill , 1950.

...

Sir,

With reference to your letter No. 176-L, dated October 24, 1950, I am return herewith the authentic copy of the Bombay Civil Courts (Amendment) Bill, 1950, with His Excellency's assent signified thereon.

Yours faithfully,

Sd/-
Secretary to the Governor of Bombay.

C.G.R. 25 -6

C 5

Publication of the Bombay Civil Courts (Amendment) Act, 1950.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 15434.

Bombay Castle, 4th November 1950.

Letter to the Secretary to the Governor, No.176-L, dated 24th October 1950.

Letter from the Secretary to the Governor, No.G.S. 3271, dated the 31st October 1950. -

"With reference to your letter No. 176-L, dated October 24, 1950, I am to return herewith the authentic copy of the Bombay Civil Courts (Amendemnt) Bill, 1950, with His Excellency's assent signified thereon".

RESOLUTION:- The law should be published as Bombay Act No. XXXVI of 1950, in the Bombay Government Gazette dated the 6th November 1950.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of Bombay,

Sd/- (S.L.Chaudhari).
Assistant Secretary to Government.

To
The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department),
The Home Department,
* The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay.
} with a copy of the Act.

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*With four extra copies of the Act.

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules:—

L. A. BILL No. XL OF 1950.

A Bill to amend the Bombay Civil Courts Act, 1869.

X of 1869. WHEREAS it is expedient to amend the Bombay Civil Courts Act, 1869, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Civil Courts (Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

Amendment of section 28 of Act XIV of 1869.

XIV of 1869. **2.** In section 28 of the Bombay Civil Courts Act, 1869, for the words "one thousand rupees" the words "one thousand and five hundred rupees" and for the words "three hundred rupees" the words "five hundred rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Section 28 of the Bombay Civil Courts Act, 1869, provides that a Civil Judge of Junior Division may be invested with Small Cause Court powers up to Rs. 300 and a Civil Judge of the Senior Division with powers up to Rs. 1,000. Recently on the

recommendation of the High Court the pecuniary civil jurisdiction of the Civil Judges of Junior Division has been increased from Rs. 5,000 to Rs. 10,000 by the Bombay Civil Courts (Amendment) Act, 1949. As a result of this increase in the jurisdiction of Civil Judges of Junior Division and the considerable appreciation in the value of the moveable property, the High Court has now recommended that section 28 of the Bombay Civil Courts Act, 1869, should be amended so as to permit the Civil Judges of Junior Division being invested with Small Cause Court powers up to Rs. 500 and Civil Judges of Senior Division with Small Cause Court powers up to Rs. 1,500. The Bill is intended to give effect to the High Court's proposal which has been accepted by Government.

Dated the 11th September 1950. (Signed) MORARJI DESAI.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 18th September 1950.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XL OF 1950.

A Bill to amend the Bombay Civil Courts Act, 1869.

(As read for the third time and passed by the Legislative Assembly on the 26th September 1950).

XIV of 1869. WHEREAS it is expedient to amend the Bombay Civil Courts Act, 1869, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Civil Courts (Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

Amendment of section 28 of Act XIV of 1869.

XIV of 1869. **2.** In section 28 of the Bombay Civil Courts Act, 1869, for the words "one thousand rupees" the words "one thousand and five hundred rupees" and for the words "three hundred rupees" the words "five hundred rupees" shall be substituted.

MO-VI Bk Hb 246

STATEMENT OF OBJECTS AND REASONS.

Section 28 of the Bombay Civil Courts Act, 1869, provides that a Civil Judge of Junior Division may be invested with Small Cause Court powers up to Rs. 300 and a Civil Judge of the Senior Division with powers up to Rs. 1,000. Recently on the recommendation of the High Court the pecuniary civil jurisdiction of the Civil Judges of Junior Division has been increased from Rs. 5,000 to Rs. 10,000 by the Bombay Civil Courts (Amendment) Act, 1949. As a result of this increase in the jurisdiction of Civil Judges of Junior Division and the considerable appreciation in the value of the moveable property, the High Court has now recommended that section 28 of the Bombay Civil Courts Act, 1869, should be amended so as to permit the Civil Judges of Junior Division being invested with Small Cause Court powers up to Rs. 500 and Civil Judges of Senior Division with Small Cause Court powers up to Rs. 1,500. The Bill is intended to give effect to the High Court's proposal which has been accepted by Government.

Dated the 11th September 1950. MORARJI DESAI.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XL OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 26th September 1950.)

A Bill to amend the Bombay Civil Courts Act, 1869.

[Shri MORARJI DESAI, M.L.A.]

Bk Hb 246—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

MONDAY, 6TH NOVEMBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

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The following Act of the Bombay Legislature having been assented to by the Governor on the 31st October 1950 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXXVI OF 1950.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 6th November 1950.)

An Act to amend the Bombay Civil Courts Act, 1869.

XIV of 1869.

WHEREAS it is expedient to amend the Bombay Civil Courts Act, 1869, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Civil Courts (Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify.

XIV of 1869.

Amendment of section 28 of Act XIV of 1869.

2. In section 28 of the Bombay Civil Courts Act, 1869, for the words "one thousand rupees" the words "one thousand and five hundred rupees" and for the words "three hundred rupees" the words "five hundred rupees" shall be substituted.

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BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.